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Sent: 7/6/2018 4:19:42 PM
To: Yang, Patricia [patricia.yang@nychhc.org]
Subject: Dr. Melissa Kaye
Attachments: Melissa Kaye attorney letter.pdf



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June 28, 2018

VIA OVERNIGHT MAIL

Blanche Greenfield, Esq.
Chief Employment Counsel
NYC Health + Hospitals
125 Worth St.
New York, NY 10013

Re: Dr. Melissa Kaye

Dear Ms. Greenfield:

This firm has been retained by Dr. Melissa Kaye in connection with issues arising out of her employment by New York City Health and Hospitals Corporation (“HHC”). Specifically, there is substantial evidence that Dr. Kaye has been discriminated against based on her sex in the form of lack of pay equity.

Dr. Kaye graduated from the Medical College of Pennsylvania in 1992, and in 1993 she completed an internship at the Hospital of Pennsylvania. In 1996 she completed a Psychiatry Residency at the University of Pennsylvania, and in 1997 she completed a Forensic Psychiatry Fellowship at Albert Einstein College of Medicine. Finally, in 1999 she completed a Child and Adolescent Fellowship at New York University/Bellevue Hospital.

Dr. Kaye is Board Certified in General and Forensic Psychiatry and Board Eligible in Child and Adolescent Psychiatry. Upon the completion of her second Fellowship in 1999, Dr. Kaye was hired on an Attending III pay line by HHC Bellevue Hospital as an evaluator for the Bronx Court Clinic. In 2004, based on her qualifications and performance, Dr. Kaye was promoted to Medical Director of the Bronx Court Clinic, a position she still holds. Her responsibilities as Medical Director of the Bronx Court Clinic include: conducting court-ordered evaluations of incarcerated and at-liberty criminal defendants; testifying in Court regarding findings of evaluations as required; and supervising trainees, clinical staff, and forensic psychological and/or psychiatry staff at the clinic.

Throughout her nearly 20 year tenure with HHC, Dr. Kaye has consistently performed well as a dedicated and hard-working public servant, producing high quality work and providing effective leadership at the Bronx Court Clinic. However, despite her commitment to HHC, there is substantial evidence that Dr. Kaye has been denied compensation commensurate with her similarly situated male colleagues. Dr. Kaye has learned through other colleagues that, as the only female physician Court Clinic Medical Director, her salary is significantly lower than that

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of the male physician Court Clinic Directors. This salary discrepancy was corroborated by her union.

Moreover, while Dr. Kaye was hired on an Attending III line and has remained on that line throughout her career, the Manhattan, Brooklyn, and Queens Court Clinic male physician evaluators have been hired on the higher-paying Physician Specialist line, despite performing the same functions as Dr. Kaye and carrying identical or lesser qualifications than Dr. Kaye.

Dr. Kaye has raised the issue of her pay inequity with several supervisors and union representatives over the years, many of whom have acknowledged that her salary is disproportionate to her male peers *despite having comparable or superior credentials and expertise, and performing the same job duties*. Nonetheless, her requests for a change to a Physician Specialist line with the associated salary increase comparable to her male colleagues has been consistently denied.

Based on the foregoing, there is substantial evidence upon which to conclude that Dr. Kaye is being discriminated against at HHC in the terms and conditions of her employment, based on her sex. Given Dr. Kaye's long-standing record of exemplary performance, there does not seem to be a legitimate justification for refusing to change her line and increase her salary given the objective evidence of a lack of gender-based pay equity. Rather, there is substantial reason to believe that Dr. Kaye's initial hiring onto the Attending III line, HHC's failure to transition her to the Physician Specialist line upon her promotion in 2004, and HHC's continued practice of pay disparity is consistent with a discriminatory bias against Dr. Kaye based on her sex.

By this letter, please be advised that Dr. Kaye intends to meet the terms of her employment and continue to push for fair and objective treatment in the workplace free from sex-based pay disparity, and that she intends to pursue her claims of discrimination in an appropriate legal forum, including seeking all remedies available to her.

Before we actively pursue Dr. Kaye's claims, we are contacting HHC to explore the option of an out-of-court resolution of this matter. Should HHC be interested in resolving this matter via a negotiated agreement, please contact me within seven (7) days of the date of this letter.

Because an adversarial proceeding between HHC and Dr. Kaye is contemplated, we hereby demand that HHC preserve and maintain all documents and information relevant to Dr. Kaye's employment with HHC, including without limitation all communications between HHC and Dr. Kaye, and all communications referring to or relating to Dr. Kaye.

This letter is written without prejudice to such other and further rights as Dr. Kaye may have, and all such rights are expressly reserved.

BANTLE & LEVY LLP

Sincerely yours,

BANTLE & LEVY LLP

By:


Sherie N. Buell

cc: Dr. Melissa Kaye